

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed November 28, 2008. Upon entry of the amendments in this response, claims 15-55 remain pending. In particular, Applicant amends claims 15- 55. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **ALLOWED SUBJECT MATTER**

The Office Action indicates that the application and claims are in condition for allowance except for a few minor formal matters with respect to the claims. Applicant acknowledges this indication of allowed subject matter in the originally filed claims and makes appropriate amendments to fully address the Office Action's concerns.

### **REJECTION UNDER 35 USC 101**

The Examiner rejected claims 15-55 as being directed to non-statutory subject matter. Applicant has amended the claims to be in conformance with the Board's precedential opinion in *Ex parte Li*.<sup>1</sup> In *Ex parte Li*, the Board held the following:

It has been the practice for a number of years that a "Beauregard Claim" of this nature be considered statutory at the USPTO as a product claim. (MPEP 2105.01, I). . . . Further, the instant claim presents a number of software components, such as the claimed logic processing module, configuration file processing module, data organization module, and data display organization module, that are embodied upon a computer readable medium. This combination has been found statutory under the teachings of *In re Lowry*. . . . In view of the totality of these precedents, we decline to support the [nonstatutory subject matter] rejection under 35 U.S.C. § 101.<sup>2</sup>

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<sup>1</sup> *Ex parte Li*, Appeal App. No. 2008-1213, 88 USPQ2d 1695, 2008 WL 4828137 (B.P.A.I. 2008).

<sup>2</sup> *Id.*, 88 USPQ2d at 1698-99 (citing *In re Nuijten*, 500 F.3d 1346, 84 USPQ2d 1495 (Fed. Cir., 2007) and *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir., 1994)).

Accordingly, Applicant respectfully submits that claims 15-55 recite statutory subject matter. Withdrawal of this rejection is respectfully requested.

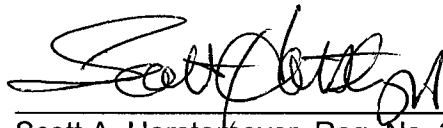
### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott A. Horstemeyer", written over a horizontal line.

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